Texas Department of Insurance
Division of Workers' Compensation
Medical Fee Dispute Resolution, MS-48
7551 Metro Center Drive, Suite 100 • Austin, Texas 78744-1645
512-804-4000 telephone • 512-804-4811 fax • www.tdi.texas.gov

MEDICAL FEE DISPUTE RESOLUTION FINDINGS AND DECISION

GENERAL INFORMATION

Requestor Name
Houston Orthopedic & Spine Hospital

Respondent Name
Texas Mutual Insurance Co

MFDR Tracking Number
M4-14-2266-01

Carrier's Austin Representative
Box Number 54

MFDR Date Received
March 25, 2014

REQUESTOR'S POSITION SUMMARY

Requestor's Position Summary: "The injured employee came to our hospital seeking Emergency medical services. PT was seen by an ER Dr. Cinchona. Hospital cannot refuse PT's Emergency treatment services."

Amount in Dispute: $392.23

RESPONDENT'S POSITION SUMMARY

Respondent's Position Summary: "…the documentation from Houston Orthopedic Surgical Hospital does not meet the criteria of the above definition. No payment is due."

Response Submitted by: Texas Mutual

SUMMARY OF FINDINGS

Date(s) of Service	Disputed Services	Amount In Dispute	Amount Due
August 1, 2013	Outpatient Hospital Services	$392.23	$392.23

FINDINGS AND DECISION

This medical fee dispute is decided pursuant to Texas Labor Code §413.031 and all applicable, adopted rules of the Texas Department of Insurance, Division of Workers' Compensation.

Background

1. 28 Texas Administrative Code §133.307 sets out the procedures for resolving medical fee disputes.
2. 28 Texas Administrative Code §134.403 sets out the fee guidelines for outpatient acute care hospital services.
3. 28 Texas Administrative Code §134.203 sets out the fee guidelines for professional medical services.
4. 28 Texas Administrative Code §133.2.5 defines medical emergency.
5. The services in dispute were reduced/denied by the respondent with the following reason codes:
   - 899 – Documentation and file review does not support an emergency in accordance with rule
   - 193 – Original payment decision is being maintained

Issues

1. Was the definition of emergency met?
2. What is the applicable rule for determining reimbursement for the disputed services?

3. What is the recommended payment amount for the services in dispute?
4. Is the requestor entitled to reimbursement?

Findings

1. 28 Texas Administrative Code Emergency 133.2.5 defines an emergency as "Either a medical or mental health emergency as follows: (A) a medical emergency is the sudden onset of a medical condition manifested by acute symptoms of sufficient severity, including severe pain, that the absence of immediate medical attention could reasonably be expected to result in: (i) placing the patient's health or bodily functions in serious jeopardy, or (ii) serious dysfunction of any body organ or part. Review of the submitted documentation finds;

    a. Portion titled, "Physical Exam" – " General appearance – "moderate/severe distress"
    b. Clinical impression – "Low Back Pain – acute", "Sciatica – acute R"
    c. CT Impression – "2. L4-5 shows a 2-3 millimeter posterior partially calcified disc bulge/protrusion slight indenting ventral thecal sac. There is facet arthorisis with mild central canal narrowing. Asymmetric right foraminal disc bulge/protrusion encroaches on right L4 root.

    The division finds definition of emergency is met. Therefore, the services in dispute will be reviewed per applicable rules and fee guidelines.

2. This dispute relates to facility services performed in an outpatient hospital setting with reimbursement subject to the provisions of 28 Texas Administrative Code §134.403, which requires that the reimbursement calculation used for establishing the maximum allowable reimbursement (MAR) shall be the Medicare facility specific amount, including outlier payment amounts, determined by applying the most recently adopted and effective Medicare Outpatient Prospective Payment System (OPPS) reimbursement formula and factors as published annually in the Federal Register with the application of minimal modifications as set forth in the rule. Per §134.403(f)(1), the sum of the Medicare facility specific reimbursement amount and any applicable outlier payment amount shall be multiplied by 200 percent, unless a facility or surgical implant provider requests separate reimbursement of implantables. Review of the submitted documentation finds that separate reimbursement for implantables is not applicable.

3. Under the Medicare Outpatient Prospective Payment System (OPPS), each billed service is assigned an Ambulatory Payment Classification (APC) based on the procedure code used, the supporting documentation and the other services that appear on the bill. A payment rate is established for each APC. Depending on the services provided, hospitals may be paid for more than one APC per encounter. Payment for ancillary and supportive items and services, including services that are billed without procedure codes, is packaged into payment for the primary service. A full list of APCs is published quarterly in the OPPS final rules which are publicly available through the Centers for Medicare and Medicaid Services (CMS) website. Reimbursement for the disputed services is calculated as follows:
    - Procedure code 72131 has a status indicator of Q3, which denotes conditionally packaged codes that may be paid through a composite APC if OPPS criteria are met; however, review of the submitted information finds that the criteria for composite payment have not been met. Therefore, this line may be paid separately. These services are classified under APC 0332, which, per OPPS Addendum A, has a payment rate of $173.58. This amount multiplied by 60% yields an unadjusted labor-related amount of $104.15. This amount multiplied by the annual wage index for this facility of 0.992 yields an adjusted labor-related amount of $103.32. The non-labor related portion is 40% of the APC rate or $69.43. The sum of the labor and non-labor related amounts is $172.75. The cost of these services does not exceed the annual fixed-dollar threshold of $2,025. The outlier payment amount is $0. The total Medicare facility specific reimbursement amount for this line is $172.75. This amount multiplied by 200% yields a MAR of $345.50.
    - Procedure code 99283 has a status indicator of V, which denotes a clinic or emergency department visit paid under OPPS with separate APC payment. These services are classified under APC 0614, which, per OPPS Addendum A, has a payment rate of $143.36. This amount multiplied by 60% yields an unadjusted labor-related amount of $86.02. This amount multiplied by the annual wage index for this facility of 0.992 yields an adjusted labor-related amount of $85.33. The non-labor related portion is 40% of the APC rate or $57.34. The sum of the labor and non-labor related amounts is $142.67. The cost of these services does not exceed the annual fixed-dollar threshold of $2,025. The outlier payment amount is $0. The total Medicare facility specific reimbursement amount for this line is $142.67. This amount multiplied by 200% yields a MAR of $285.34.

4. The total allowable reimbursement for the services in dispute is $630.84. The amount previously paid by the insurance carrier is $0.00. The requestor is seeking additional reimbursement in the amount of $392.23. This amount is recommended.

Conclusion

For the reasons stated above, the Division finds that the requestor has established that additional reimbursement is due. As a result, the amount ordered is $392.23.

ORDER

Based upon the documentation submitted by the parties and in accordance with the provisions of Texas Labor Code Sections 413.031 and 413.019 (if applicable), the Division has determined that the requestor is entitled to additional reimbursement for the services involved in this dispute. The Division hereby ORDERS the respondent to remit to the requestor the amount of $392.23, plus applicable accrued interest per 28 Texas Administrative Code §134.130, due within 30 days of receipt of this order.

Authorized Signature

Signature	Medical Fee Dispute Resolution Officer	July 17, 2014 Date

YOUR RIGHT TO APPEAL

Either party to this medical fee dispute has a right to seek review of this decision in accordance with 28 Texas Administrative Code §133.307, effective May 31, 2012, *37 Texas Register 3833*, **applicable to disputes filed on or after June 1, 2012**.

A party seeking review must submit a **Request to Schedule a Benefit Review Conference to Appeal a Medical Fee Dispute Decision** (form **DWC045M**) in accordance with the instructions on the form. The request must be received by the Division within **twenty** days of your receipt of this decision. The request may be faxed, mailed or personally delivered to the Division using the contact information listed on the form or to the field office handling the claim.

The party seeking review of the MDR decision shall deliver a copy of the request to all other parties involved in the dispute at the same time the request is filed with the Division. **Please include a copy of the *Medical Fee Dispute Resolution Findings and Decision*** together with any other required information specified in 28 Texas Administrative Code §141.1(d).

Si prefiere hablar con una persona en español acerca de ésta correspondencia, favor de llamar a 512-804-4812.